

**Copyright Royalty Judges
Washington, D.C.**

Distribution of Cable Royalty Funds

**Docket No. 16-CRB-0009 CD
(2014-2017)**

**Verified Motion to be sent Royalty Repayment Agreement w/ name added to
agreement blank form as a designated agent recipient claimant sua sponte**

To clarify Why as a timely filing for entitled relief exigent significant interest proved up for any and all royalty distribution funds as a designated agent for Circle God Network Inc. d/b/a David Powell. The How is to have Royalty Judges send immediately the Royalty Repayment Agreement blank form to Circle God Network Inc. d/b/a David Powell, claimant name added to Royalty Repayment Agreement form. As the 11th Allocation Phase moving party designated recipients Claimant Participant permanently and retroactive (see att.). For 50% partial distribution for 2016 and 40% 2017 Cable Royalty Funds. To be distributed to Circle God Network Inc. d/b/a David Powell to Agents for Allocation Phase for Office of the Commissioner of Baseball to the (new) common agent for the recipient claimants sua sponte . 5% Distribution secret confidential agreement royalty share.

On the basis of returning a sign Royalty Repayment Agreement w/ EFT information request signed. Pursuant to section 801 (b)(3)(C) of the Copyright Act, 17 USC ss. 801

(b)(C)(ii)(2012), as prepared by Copyright Royalty Judges Pursant to 801 (b)(3)(C)(ii)(iii).
Now clarified Proved Up in its entirety for determination sua sponte currently. Statutory
authorization for any and all % partial and final distribution of funds along w/ remaining in
controversy distribution funds 801 (b)(3)(C). Then Cable and Satellite retroactive in arrears
distribution also per 8-29-19 letter. 14 CRB-0010 CD/SD (2010-2013), (2004-2009) 2012-6
CRB DD (remand), 2000-2003 (Phase II) 2008-2 CRB DD CD, 1999-2009 CD/SD
consolidated.

Second omnibus verified motion timely filed how, why, and on the basis of Judges
Royalty Repayment Agreement form sent as added 5th designated recipient claimant for any
and all Music Work Funds 5% distribution and for Dart Royalty Funds as added 2nd
recipient claimant agent 2% distribution, to ARRC as the only other claimant royalty share
recipient. To include retroactive in arrears distribution also (see att.). Clarity now
determined also as a participant in all proceedings as timely filed or attempt to file due to a
computer errors matter of record. Submission to a special findings established
contradictory credible evidence active concealment smoking gun spoliation hot documents
for Coercive Relief. On the basis of prima facie evidence active and literal proof immediate
breach equitable and judicial estoppels physical facts rule Pinkerton Rule chain conspiracy
Bursting Bubble Theory. Denying named on Cable and Satellite claim list entitlement as
Theft by deception under false pretext.

Respectfully Submitted,

David Powell, Pro Se

POB 010950 Miami, FL (305) 539-1755

Davidpowell008@yahoo.com

Proof Of Delivery

I hereby certify that on September 10, 2019, I provided a true and correct copy of the verified motion sua sponte to the following:

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com

Devotional Claimants, represented by Arnold P Lutzker, served via Electronic Service at arnie@lutzker.com

Broadcast Music, Inc., represented by Jennifer T. Criss, served via Electronic Service at jennifer.criss@dbr.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via Electronic Service at scott@oandzlaw.com

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via Electronic Service at smosenkis@ascap.com

Broadcaster Claimants Group, represented by John Stewart, served via Electronic Service at jstewart@crowell.com

Program Suppliers, represented by Gregory O Olaniran, served via Electronic Service at goo@msk.com

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Joint Sports Claimants, represented by Robert A Garrett, served via Electronic Service at robert.garrett@apks.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

Signed: /s/ David Powell, Pro Se

ROYALTY REPAYMENT AGREEMENT (CABLE) & SATELLITE

This Royalty Repayment Agreement is made this 12 day of JUNE, 2019, by and between the following "Allocation Phase" Participants:

Program Suppliers

Joint Sports Claimants

Public Television Claimants

Commercial Television Claimants/National Association of Broadcasters

American Society of Composers, Authors and Publishers (ASCAP)

SESAC, Inc.

Broadcast Music, Inc. (BMI)

Canadian Claimants Group

National Public Radio

Devotional Claimants

DAVID POWELL CLAIMANTS BIBIA CIRCLE GOD NETWORK INC.

as the designated agents (Agents) for cable royalty recipients (Claimants), and the Library of Congress, Copyright Office, Washington, D.C. (Copyright Office).

This Agreement is made with reference to the following facts.

The Agents represent Claimants in several categories in the distribution proceeding before the Copyright Royalty Judges bearing docket number of 16-CRB-0009 CD (2014-17).

Under the provisions of 17 U.S.C. § 111(d)(2), funds designated for royalty claimants are deposited with the Copyright Office for administration and investment pending later distribution by the Librarian of Congress upon authorization by the Copyright Royalty Judges (Judges).

Pursuant to 17 U.S.C. § 801(b)(3)(C), at any time after the filing of claims to royalties under 17 U.S.C. § 111, agents acting on behalf of one or more claimants may file a motion for partial distribution of deposited royalties. After publication in the Federal Register of a request for responses to the motion from interested claimants, the Judges may authorize a partial distribution of deposited royalty fees, *provided*, based upon all responses received during the 30-day response period, the Judges conclude that no claimant entitled to receive any portion of the deposited fees has stated a reasonable objection to the partial distribution.

As a condition precedent to the requested partial distribution of deposited fees, all Claimants entitled to receive distribution of the fees must, by and through the Agents, (1) agree to the partial distribution; (2) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination of the distribution of fees made under 17 U.S.C. § 801(b)(3)(B); (3) file the agreement with the Judges; and (4) agree that the deposited funds are available for distribution; and

The Claimants, by and through the Agents, made a motion for partial distribution (40 percent) of the 2017 cable royalty funds, and the Judges published a request for responses to the motion in the Federal Register.

The Judges concluded in their May 22, 2019 *Order Granting Motion for Partial Distribution*, Docket No. 16-CRB-0009 CD (2014-17) (Partial Distribution Order), that no Claimant entitled to any portion of the deposited funds has stated a reasonable objection to the proposed partial distribution.

The Claimants and the Copyright Office agree as follows:

- (1) The Claimants by and through the Agents agree to the proposed partial distribution and represent that the deposited funds are available for distribution.
- (2) The Claimants, as represented by the Agents, intend to and will return any excess amounts (including interest equal to the amount that would have accrued if the principal had remained on deposit with the Copyright Office) to the extent necessary to comply with a Final Determination regarding distribution of the subject fees made under 17 U.S.C. § 801(b)(3)(B).
- (3) The Copyright Office will, on or after June 20, 2019, and upon receipt of this signed Agreement make a partial distribution of 40 percent of the 2017 cable royalty funds to the Agents to the common agent for the Claimants, The Office of the Commissioner of Baseball.
- (4) The Agents will promptly distribute funds to the Claimants according to the confidential allocated amounts agreed to by the Claimants.
- (5) The Copyright Office will maintain, administer, and invest the remaining 2017 Cable Royalty Funds to settle all outstanding Allocation Phase and Distribution Phase claims.
- (6) The Claimants will repay royalties in the event the Final Determination results in a distribution order requiring reallocation of the funds distributed pursuant to the Partial Distribution Order, including any award or awards to a claimant or claimants made by competent authority (*i.e.*, the Judges, the United States Court of Appeals for the District of Columbia Circuit, or the Supreme Court of the United States).
- (7) The Claimants, by and through the Agents, agree to remit, and bind any successor(s) in interest or distributee(s) of the Agents or any Claimant to remit, to the Copyright Office, within 30 days of the date the Copyright Office gives notice, the amount specified in the notice to enable the Copyright Office to make the distribution required by the Final Determination.

Signatures:

This Royalty Repayment Agreement may be signed in counterparts, each of which is binding upon the Agent signing it and all of which, taken together, constitute one and the same original document.

Agents

The undersigned Agents certify that they are the Agents or the duly authorized representatives of the Agents for the Claimants and have the express authority to enter into this Royalty Repayment

Signature: _____

Typed or printed name: _____

Title: _____

Name of "Allocation Phase" participant group: **Broadcast Music, Inc. (BMI)**

Address: _____

Date: _____

Signature: _____

Typed or printed name: _____

Title: _____

Name of "Allocation Phase" participant group: **Canadian Claimants Group**

Address: _____

Date: _____

Signature: David Powell

Typed or printed name: DAVID POWELL

Title: CHM

Name of "Allocation Phase" participant group: **CIRCLE GOD NETWORK INC.**
d/b/a DAVID POWELL

Address: POB 010950
MIAMI, FL 33101

Date: 6.12.19

Signature: _____

Typed or printed name: _____

Title: _____

Name of "Allocation Phase" participant group: _____

Address: _____

Date: _____

Copyright Office

The undersigned certifies that he or she is a Library Officer who has authority to enter into this Royalty Repayment Agreement on behalf of the Library of Congress.

Library Officer Signature

Mark DiNapoli Digitally signed by Mark DiNapoli
 Date: 2019.06.10 15:16:58 -04'00'

Date: June 10, 2019

Mark DiNapoli
 Deputy Chief, Licensing Division

Delivery of Agreement:

Each Agent must return an original signed Royalty Repayment Agreement by June 13, 2019, by delivering it to:

Copyright Royalty Board
 Library of Congress
 James Madison Memorial Building
 Room LM-401
 101 Independence Ave. SE
 Washington, DC 20557-6400

The Agents must simultaneously provide a copy of the signed Royalty Repayment Agreement to:

Copyright Licensing Division
 Library of Congress
 James Madison Memorial Building
 Room LM-401
 101 Independence Ave. SE
 Washington, DC 20557-6400

Proof of Delivery

I hereby certify that on Wednesday, September 11, 2019, I provided a true and correct copy of the VERIFIED MOTION TO BE SENT ROYALTY REPAYMENT AGREEMENT W/ NAME ADDED TO AGREEMENT BLANK FORM AS A DESIGNATED RECIPIENT CLAIMANT SUA SPONTE to the following:

Program Suppliers, represented by Gregory O Olaniran, served via Electronic Service at goo@msk.com

ASCAP, represented by Sam Mosenkis, served via Electronic Service at smosenkis@ascap.com

National Public Radio, represented by Gregory A Lewis, served via Electronic Service at glewis@npr.org

Joint Sports Claimants, represented by Robert A Garrett, served via Electronic Service at robert.garrett@apks.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via Electronic Service at scott@oandzlaw.com

Public Television Claimants, represented by Ronald G. Dove Jr., served via Electronic Service at rdove@cov.com

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at brianb@ix.netcom.com

Broadcast Music, Inc. (BMI), represented by Jennifer T. Criss, served via Electronic Service at jennifer.criss@dbr.com

Devotional Claimants, represented by Arnold P Lutzker, served via Electronic Service at arnie@lutzker.com

Canadian Claimants, represented by Lawrence K Satterfield, served via Electronic Service at lksatterfield@satterfield-pllc.com

Commercial Television Claimants / National Association of Broadcasters, represented by

John Stewart, served via Electronic Service at jstewart@crowell.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via Electronic Service at ted@copyrightroyalties.com

SESAC, Inc., represented by John C. Beiter, served via Electronic Service at john@beiterlaw.com

Signed: /s/ david powell